

### **REMARKS**

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

#### **Disposition of Claims**

Claims 1-12 are pending in this application. Claims 1, 5, and 9 are independent. The remaining claims depend, directly or indirectly, from claims 1, 5, and 9. Claims 1 and 5-9 have been amended to clarify the invention. Applicant asserts that no new subject matter has been added by way of the claim amendments.

#### **Change of Attorney Docket Number**

Applicant respectfully requests that the Attorney Docket Number be changed from "0007056-0200/P5943" to "16159/097001; P5943".

#### **Drawings**

Although the Examiner has accepted the drawings filed on January 15, 2002, Applicant hereby submits a replacement drawing sheet for Figure 6, and asks the replacement drawing sheet be accepted by the Examiner. The drawing has been modified to conform to the requirements of 37 C.F.R. § 1.84 and to clarify the invention. No new subject matter has been added by way of the replacement of the drawing sheet.

#### **Objection to the Specification**

The specification has been objected to for improper use of semicolons and for using trademarks without the generic terminology or capitalization. The specification has been amended in this reply in view of the objections. Applicant asserts that no new subject matter has been added by way of the amendment. Accordingly, a withdrawal of this objection is respectfully requested.

**Rejection under 35 U.S.C. §101**

Claims 1-12 are rejected under 35 U.S.C. § 101 for failing to be directed to statutory subject matter. Claims 1 and 5-8 have been amended to clarify the invention. Support for these amendments may be found, for example, on page 4, lines 20-25, page 18, and page 20 of the Instant Specification. No new subject matter has been added by way of these amendments. To the extent that this rejection still applies to these amended claims, this rejection is respectfully traversed.

As asserted by the Examiner, the claimed process must be limited to a practical application of the abstract idea. Amended independent claims 1 and 5 now embody the creation of an executable code (*i.e.*, an application or program) by compiling a series of statements. The creation of such code is not merely manipulations of an abstract idea. In fact, the creation of the executable code clearly achieves the practical application of transforming high-level code into machine executable code. Claim 1 has been amended to further recite that this executable code is created for execution on a processor of a computer system, which indicates the useful nature of this code and required computer processing activity. Likewise, claim 5 has been amended to clarify the system includes instructions being performed on a processor to accomplish the invention. Accordingly, amended claims 1 and 5 are directed towards statutory subject matter and are patentable under 35 U.S.C. §101. Dependent claims 2-4 and 6-8 are allowable for at least the same reasons.

The Examiner asserts that claim 9 is not patentable because the computer program product constitutes both statutory and non-statutory subject matter. Applicant has amended the specification to remove the reference to “carrier waves” with regards to computer program product on pages 19 and 22 of the Instant Specification. Therefore, in light of this amendment, claim 9 (even when given its broadest reasonable interpretation) is only directed to statutory subject matter and is patentable under 35 U.S.C. § 101. Dependent claims 10 – 12 are allowable for at least the same reason. Accordingly, withdrawal of this rejection is respectfully requested.

**Rejections under 35 U.S.C. §102**

Claims 1-12 are rejected to under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,963,742 (“Williams”). Claims 1, 5, and 9 have been amended to clarify the invention. Support for these amendments may be found, for example, on page 4, line 20 to page 5, line 11, of the Instant Specification. No new subject matter has been added by way of these amendments. To the extent that this rejection still applies to these amended claims, this rejection is respectfully traversed.

For anticipation under 35 U.S.C. §102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. In rejecting claims 1, 5, and 9, Examiner asserts that Williams teaches or suggests determining a natural end of a first statement using programming language syntax and using the natural end to divide said first statement from said second statement. However, Williams teaches a method for dividing a series of statements only when there is an explicit statement terminator. (*See, e.g., Williams*, col. 3 ll. 35-49). Williams teaches that “if Pascal or C programming source code is being compiled, main parser unit may recognize that it has received a complete statement from the lexical analyzer when main parser detects the token corresponding to a semicolon (“;”)...In other languages, the end of a complete statement may be indicated by the start of a new line.” (*See Williams*, col. 3 ll. 35-49). Thus, in order to determine the end of the statement, Williams teaches that an explicit statement terminator (*e.g.* “;” or carriage return) is necessary.

Williams does not teach determining the natural end of a statement in the context of the input stream and the syntax of the programming language when an explicit statement terminator does not exist. In fact, if the parser taught in Williams attempts to parse the statement “ $x=x+1$   $y=y+1$ ”, the parser would produce an error instead of dividing the input stream because the statement lacked an explicit statement terminator (*e.g.*, a “;” or a carriage return) between “ $x=x+1$ ” and “ $y=y+1$ ”. Clearly, without being able to determine the natural end of a statement without an explicit statement, Williams cannot teach or suggest dividing said input stream into a series of statements wherein said natural end is used to divide said first statement from said second statement. In view of the above, Williams does not support the rejection of amended claims 1, 5, and 9.

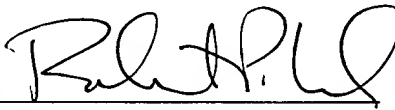
Accordingly, dependent claims 2-4, 5-8, and 10-12 are allowable for at least the same reasons. Withdrawal of this rejection is respectfully requested.

**Conclusion**

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 16159/097001).

Dated: 04/13/2005

Respectfully submitted,

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Attachment: One replacement sheet

**AMENDMENTS TO THE DRAWINGS**

Applicant requests that the Examiner replace Figure 6 as originally filed with the enclosed replacement sheet, which includes Figure 6. Figure 6 has been modified to conform to the requirements of 37 C.F.R. § 1.84.

Attachment: One replacement sheet